

# **BOARD DISPUTE RESOLUTION COMMITTEE I MINUTES (CUSHING VERSUS SORENSEN)**

**June 19, 2014**

## **CALL TO ORDER**

County Board Chairman David Hintz called the Board Dispute Resolution Committee I to order at 9:30 a.m. in the County Board Room of the Oneida County Courthouse. It was noted that this meeting had been properly noticed in accordance with the Wisconsin Open Meeting Law and meets the Americans With Disabilities Act.

Chairman Hintz stated the general topic is a complaint filed by Supervisor Cushing and responding to that complaint will be Supervisor Sorensen. This is not a formal judicial hearing and rules of evidence do not apply. There will be 3 pieces of information we will be referring to. One will be the agenda for the meeting, the Code of Conduct and Supervisor Cushing's complaint.

**PANEL MEMBERS PRESENT:** David Hintz – Chairman, Carol Pederson, and Scott Holewinski

**ALSO PRESENT:** Linda Herrmann, Dan Gleason (Labor Relations/Employee Services); Brian Desmond (Corporation Counsel); Cade Halada (ITS); Ted Cushing, Jack Sorensen, Lance Krolczyk, Billy Fried, Bob Metropolous (Supervisors); Jeffrey Jackomino (Attorney); Jonathan Anderson (Lakeland Times); Ken Krall (WXPR); Bob Elliott, James Eifler, Fred Andrist, Bob Martini (Citizens)

## **APPROVE AGENDA**

Motion by Holewinski, second by Pederson to approve the agenda for the present meeting. All ayes; motion carried.

Chairman Hintz provided an overview of the agenda starting with item number 3 where they will briefly review the Oneida County Board of Conduct and the related process. Next will be the presentation by the complainant and how he feels the conduct was violated and that will include evidence and witnesses. There is no public comment section during this meeting but the supervisors can call witnesses or other people to speak. Recordings of the meeting in question are available and can be played if either party desires. Also available is the recording of the most recent County Board meeting where Supervisor Sorensen made some comments at the end of the meeting. After the presentation by the complainant we will have the presentation by the defendant which will be the rebuttal of the alleged violations of the Code of Conduct including evidence to support the defendant's position. After hearing from both the complainant and the defendant we will move into the questioning portion of the meeting by the panel. He explained that if either side wanted to a question those would be directed through him. Next they would move into deliberation. The panel will decide was the Code of Conduct violated and if the answer is yes they will define how the code was violated and recommend disciplinary action. The panel could decide that the Code of Conduct was not violated. After the deliberation session they will talk about the next steps. We are required to report the results of this meeting to the full County Board at an upcoming board meeting. Whatever we find is just a recommendation to the County Board and they can ignore our recommendation and have another idea. Then we will be following with adjournment.

**REVIEW ONEIDA COUNTY BOARD CODE OF CONDUCT**

Chairman Hintz reminded everyone that Supervisor Cushing filed a complaint letter and a committee was established to review that complaint. The panel consists of the Chair, Supervisor Pederson who was named by Supervisor Sorensen and Supervisor Holewinski who was named by Supervisor Cushing. It is the job of this panel to determine if the Code of Conduct was violated in their opinion and if yes to recommend appropriate disciplinary action. We are then required to file a report that will be reviewed by the full County Board.

**PRESENTATION BY COMPLAINANT**

Supervisor Cushing stated that at the May 20<sup>th</sup> County Board meeting in his opinion the Code of Conduct was violated by Supervisor Sorensen. He stated that in the 12 years he has sat on the Board he has never witnessed an attack like that against another supervisor. His complaint is dated the 22<sup>nd</sup> as he had a few sleepless nights thinking about what was right to do or wrong to do. In his opinion he had to file the complaint. As former Chairman of the Board he was the one who instigated bringing forth a Code of Conduct for Supervisors. He stated that when a Supervisor makes a statement about another Supervisor and in particular his profession, where we can listen to the tape, but the statement basically said that Mr. Krolczyk violated the Realtor's Code of Ethic by participating in the "infamous" postcards that were mailed out. He believes this is going way beyond what he believes is the right treatment of a fellow Supervisor.

The tape from the May 20<sup>th</sup> County Board Meeting regarding Supervisor Sorensen's comments was played.

**PRESENTATION BY DEFENDANT**

Supervisor Sorensen stated that his intention and words that he spoke did not begin to say that Supervisor Krolczyk violated the Realtor Code of Ethics. It was never his intent and after the meeting the other day he told Supervisor Krolczyk that in no uncertain terms and under no circumstances did he believe in any way, shape or form that he has violated the Realtor Code of Ethics. He made a point at the meeting this past week to apologize to both Supervisor Cushing and Supervisor Krolczyk that it deeply bothered him that he had offended them.

Attorney Jackomino presented to the Committee the Code of Ethics for the Realtor's Association. He stated that Mr. Sorensen was and still is a licensed realtor. He is familiar with the underlying code of conduct and its philosophy. The highlighted section is basically a recitation of what is commonly referred to as the golden rule and the golden rule is to basically treat people like you want to be treated yourself. He stated that Mr. Sorensen did not say that the supervisor had violated the Code of Ethics, what he said was that the supervisor forgot the Code of Ethics. What he meant was that he forgot the underlying Code of Ethics which is treat people like you like to be treated yourself. What he was saying was it wasn't fair advertising. It was not a personal attack but rather his belief that the campaigning itself was not fair.

**QUESTIONING OF COMPLAINANT AND DEFENDANT BY THE COMMITTEE**

Supervisor Holewinski asked Supervisor Sorensen if he talked to Krolczyk or Jensen after the election or to Senator Tiffany. He said it seemed like he built up a case and wanted to unload on the County Board floor and bring this out.

Supervisor Sorensen stated he had not. He did say that between the recount and the meeting where this material first came out he did call Supervisor Krolczyk and left a message welcoming him to the Oneida County Board of Supervisors.

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Chairman Hintz asked Supervisor Sorenson if he did not intend to say the Realtor's Code of Ethics was violated but the Code of Ethics was forgotten, in his opinion was it reasonable that someone would interpret that would be a violation of the Code of Ethics?

Supervisor Sorenson stated that he did not believe that. He stated that the words violate and forgot are worlds apart.

Supervisor Sorenson remarked that he had discussed with Chairman Hintz in detail and he felt it was appropriate to bring before the Oneida County Board of Supervisors and it was placed at his discretion as an agenda item.

Supervisor Pederson stated that she did agree with Supervisor Sorenson on how the nonpartisan issue was handled. She wrote a letter to Senator Tiffany to satisfy her frustration.

Supervisor Sorenson told the panel that he tried to reach out at the last County Board meeting with an apology. He was deeply grieved that he had offended Ted and Lance but doesn't know what more he can say beyond that apology.

Supervisor Cushing stated that he had to leave that meeting early and would like to hear the tape.

The tape from the June 17<sup>th</sup> County Board meeting regarding Sorenson's apology was played.

#### **COMMITTEE DELIBERATION**

Chairman Hintz informed the Committee they could speak as to whether the Code had been violated.

Brian Desmond advised them to make a motion and depending on how that vote turns out then have a discussion as to any remedy that needs to be put out there and report back to County Board.

Discussion held between Supervisor Holewinski and Supervisor Cushing.

Supervisor Cushing stated that after hearing the tape that his portion was satisfied and he (Sorenson) needs to go on to the next level and would withdraw his complaint.

Motion by Holewinski, second by Pederson to accept Supervisor Cushing's withdrawal as presented. Roll call vote with all voting aye. Motion carried.

#### **NEXT STEPS INCLUDING REPORTING TO COUNTY BOARD**

Desmond advised Hintz to put together a report on the proceedings of today and the withdrawal of the complaint to the County Board so they know the procedure of what occurred here today.

#### **ADJOURNMENT**

Motion by Holewinski, second by Pederson to adjourn. All ayes; motion carried.

Meeting adjourned at 10:22 a.m.

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Dave Hintz, Chairman

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Linda Herrmann, Recording Secretary